

**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS (GACEC)  
GENERAL MEMBERSHIP MEETING**

***7:00P.M., April 21, 2015***

**George V. Massey Station, Second Floor Conference Room  
516 West Loockerman Street, Dover, DE**

**MINUTES**

**MEMBERS PRESENT:** Chairperson Robert Overmiller, Dafne Carnright, Carma Carpenter, Al Cavalier, Cathy Cowin, Bill Doolittle, Karen Eller, Ann Fisher, Terri Hancharick, Karen McGloughlin, Chris McIntyre, Jennifer Pulcinella, Ron Russo and Kirsten Wolfington.

**OTHERS PRESENT: Guests:** Linda Lawrence/Adult Protective Services, Sarah Celestin/DOE, Maria Locuniak/DOE, Stephen Groff/DMMA, Lisa Zimmerman, DMMA, Susan Collins/parent and Cassandra Pearce/parent.

**Staff present:** Wendy Strauss/Executive Director, Kathie Cherry/Office Manager and Sybil White/Administrative Coordinator.

**MEMBERS ABSENT:** Nancy Cordrey, Jane Donovan (LOA), Lisa Gonzon (LOA), Bernie Greenfield, Brian Hartman, Esq., Emmanuel Jenkins, Danna Levy, Carrie Melchisky, Mary Ann Mieczkowski, Janella Newman, Lavina Smith

Chairperson Robert Overmiller called the meeting to order at 7:02 p.m. Robert reminded everyone that side bar conversations were distracting and should be avoided.

**GENERAL MEMBERSHIP MEETING**

Robert asked for and received a motion to approve the May agenda. Robert asked for and received a motion to approve the April minutes. The motion was approved. Robert asked for a motion to approve the April financial report. A motion was made and approved to accept the financial report as submitted.

**PUBLIC COMMENTS**

There were no public comments.

**SPECIAL PRESENTATION**

Sarah Celestin from the Department of Education gave a presentation on the revision of the regulations to be in line with Senate Bill (SB) No. 229. A copy of the power point is attached for your reference. Jerry Petroff, who was originally scheduled to present on the Autism Residential Report to Council, was not in attendance.

## **DOE REPORT**

Sarah Celestin reported in the absence of Mary Ann Mieczkowski. Local Education Agency (LEA) determinations which include districts and charters happen in June. Last June the Office of Special Education Programs (OSEP) determinations for Delaware were not good. Sarah indicated that the State had done well in the past but with the addition of the state assessment data as well as the National Assessment of Educational Progress (NAEP) data, our scores suffered. More than 15% of students with disabilities were excluded from NAEP testing. NAEP does not allow for the accommodations that our State testing offers so some LEAs were making decisions to exclude those students, with good intentions, however it brought our exclusion rate up to a level that affected the State's determination. Sarah indicated that because the NAEP results are used two years in a row, the NAEP exclusion rate will affect the State's determination again this year; therefore, the Department is not expecting our rating level to increase. Because the data is lagged, even though some great strides have been made this year, it will not affect the State's determination until next school year. The Delaware School Climate Survey was administered. Although, the survey is voluntary, 153 schools participated this year. The results show that the majority of the parents, staff and students view their schools favorably. The ratings were higher in elementary and middle schools than in high school, but this is a nationwide trend. At the conclusion of the DOE report Robert asked Sarah where we are with the portfolio assessment required in SB 229. Sarah indicated that she is no longer as involved in that area, but could report that the Request for Proposals (RFP) has been developed but has not yet been released. There is no date at this time for the release of the RFP. Sarah did stress that the State is not going to bring back the old portfolio assessment since it does not meet the peer review criteria.

## **DIRECTORS REPORT**

Wendy shared information on the joint retreat that will be held next April with the Developmental Disabilities Council (DDC) and State Council for Persons with Disabilities (SCPD). Wendy spoke about the public forums that will be held this fall in conjunction with the joint planning retreat. There will be café conversations held in addition to the in person public forums. The hope is that this will allow them to reach more people. Wendy announced that the Americans with Disabilities Act (ADA) celebration will be held July 18, 2015 in Dover from 11am to 5pm. There will be a parade on Loockerman Street. More information will be shared

as it becomes available. Wendy asked Karen to report on the Super Stars in Education event that she attended on behalf of Council. Programs throughout the state were recognized. The programs each received an award. Karen will forward the video so that those who wish to can view them. Wendy asked Kathie, Sybil and Terri to report out on the Division of Developmental Disabilities Services (DDDS) survey development. Kathie shared the process so far in developing the survey for Residential Services. Over twenty members are on the committee. The data will be used to assure compliance with the federal regulations. Terri explained that after the survey results are in, the data will go to DDDS and if there is a need a corrective action process will begin. If after the corrective action nothing happens there could be closures, but the hope is that corrections will be made so that no closures will be necessary. Sybil reported that the Day Services committee has been looking at tools that have already been developed and using them as a guide to develop the tool for Day Services. There is a tight timeline and the groups have been meeting weekly to complete the process. Wendy shared that May 15 to June 15 was recognized as Tourette's Awareness Month with a House Concurrent Resolution. Wendy spoke about the Transition Fair at Christina School District. Cathy Cowin, who planned the event, shared that she felt attendance was down and would like to see the event as a combined effort between districts to possibly increase attendance.

## **COMMITTEE REPORTS**

### **ADULT TRANSITION SERVICES**

Cathy reported that Linda Lawrence from Adult Protective Services came to the committee to explain how referrals are processed. The Aging and Disability Resource Center (ADRC) first gets the referral and it can then go to Adult Protective Services for investigation. The process is limited to folks who are living out in the community. Cathy is going to write up a summary of the presentation and get it approved by Linda to share with others so that people are aware of the process. Cathy feels that this is an issue that should be watched closely.

### **CHILDREN AND YOUTH**

Karen reported that Sarah Celestin spoke to the Committee about the Adapting Curriculum and Classroom Environments for Student Success (ACCESS) Project, grade band extensions and professional development available to districts as a result of the ACCESS Project. She also spoke about the Systematic Processes for Enhancing and Assessing Communication Supports (SPEACS) communication initiative and a state assessment update. SPEACS is a low incident initiative designed to increase communication and educational services to students with the most significant disabilities in Delaware public schools. The first year of the initiative there were nine teams. This year there were twelve teams and they hope to increase that number to fifteen next

year. Training is available for any teacher and can be customized as needed. The trainings focus on how to get strategies and best practices into classrooms. There are links to much of the material Sarah presented and Karen will share those with Wendy and Kathie so that they can be shared with Council. The committee would like to request two ad hoc committees be reconstituted; Speech Language Pathologist Assistant Program (SLPA) and Adapted PE. Robert questioned what exactly the committee was looking for. Karen explained that the committee would like to see both of those ad hoc committees reconvened to continue to work on the issues. Additional questions will be discussed to determine where the committees left off and what can be done from this point.

### **INFANT AND EARLY CHILDHOOD**

Shawn Rohe presented in the absence of Chair Jennifer Pulcinella. The Committee spoke with Steve Groff and Lisa Zimmerman about transportation issues; specifically that some transportation providers provide car seats while others do not. Funding for Applied Behavior Analysis (ABA) therapy was also discussed by the Committee.

### **POLICY AND LAW**

Acting Committee Chair Bill O'Neill shared that the Committee discussed the May Policy and Law legal memo and supplements and deferred to Kathie Cherry to explain the Committee decision as follows:

The Committee recommended Council take action on items 3-5, 10 and 11 as recommended in the legal analysis provided by Brian Hartman; take action on items 6, 7, and 8 with the addition of two comments, take action on item 9 with the addition of some concerns and take action on item 12 by stating that Council will not endorse House Bill (HB) No. 105; however we do believe references to mental disability should be added to the constitution.

The commentary from the legal memo is as follows:

#### **3. DOE Proposed Gifted or Talented Education Plan Reg. [18 DE Reg. 836 (5/1/15)]**

The GACEC commented on the initial proposed version of this regulation in February, 2015. The Department of Education has now issued a new proposed regulation.

The committee discussed the following observations.

First, the new version corrects the three concerns outlined in the earlier commentary submitted by the Council. It provides more time to submit plans to the DOE, no longer requires all instructors

to be “certified in gifted and talented education and deletes extraneous language.

Second, the new regulation does not require charter schools to develop and submit plans. The rationale for deleting charter schools from the regulation is not offered. There is some “tension” between authorizing “each public school in the state” to apply for “accelerated academic program” grants for academic and non-academic programming while omitting charter schools from gifted and talented education planning. See 14 DE Admin Code 917.2.1 and 917.2.5. Moreover, Delaware statutory law does not exclude charter schools from offering gifted or talented education. See 14 Del.C. §§3101(6) and 3126. The Council may wish to question the exclusion of charter schools in the new regulation.

Third, the new regulation includes multiple references to “professionally qualified persons”. This is acceptable since identical language is contained in 14 Del.C. §§3101(6).

Fourth, §3.1 merits amendment since: 1) it omits the concept of an “identification process” in contrast to §2.0, definition of “Gifted or Talented Education Plan”; and §3.1.3; and 2) the term “educational services for identified gifted or talented students” is superfluous since this language is part of the definition of the Plan. It could be amended to read as follows: “3.1 each school district shall have a Plan which, at a minimum, shall:”

Fifth, §3.1.6 requires all teachers assigned to instruct students identified as gifted or talented to be “certified in accordance with the applicable Professional Standards Board regulations.” The committee recommends deletion of this subsection since it actually limits the use of instructors. For example, if a student is a virtuoso of the piano or violin, a district may wish to contract with an exceptional expert who may not have a teaching certificate. A brilliant swimmer who appears to be of Olympic caliber may benefit from a contracted instructor without a certificate. It is the impression of the Committee that public school teachers, apart from student teachers, are predominantly certified so the provision may add very little to the regulation.

Sixth, in §4.2, “periodic” review by the DOE is a rather obtuse standard. The DOE may wish to include a minimum timetable (e.g. at least every four years).

The committee recommends sharing these observations with the DOE and State Board of Education (SBE).

#### **4. DMMA Proposed Medicaid Plan Drug Rebate Regulation [18 DE Reg. 838 (5/1/15)]**

The Division of Medicaid and Medical Assistance (DMMA) proposes to adopt a Medicaid State Plan amendment.

As background, prescription drug manufacturers are required to enter into rebate agreements for drugs purchased through the Medicaid program. Both the federal government and state

governments benefit from the rebates. Effective March 23, 2010, the Affordable Care Act extended the application of the prescription drug rebate program to drugs provided to Medicaid beneficiaries enrolled in Medicaid Managed Care Organizations (MCOs). In 2014, CMS approved Delaware participation in a multi-state drug rebate program known as “TOP\$” for fee for service drugs. Qualification for drug rebates under “TOP\$” is available for drugs provided to MCO participants contingent upon Delaware adopting a Medicaid State Plan amendment. Based on the “Fiscal Impact Statement” on p. 840, it appears that Delaware would benefit from the extension of the rebate program to drugs provided to MCO participants.

Further background is contained in the following report: Office of the Inspector General, “States Collection of Offset and Supplemental Medicaid Rebates” (December, 2014) available at <http://oig.hhs.gov/oei/reports/oei-03-12-00520.pdf>.

Since qualifying for drug manufacturer rebates for Medicaid beneficiaries participating in the Delaware Medicaid managed care system should result in financial benefit to the State, the Committee recommends endorsement.

#### **5. DOE Proposed Vaccination Regulation [18 DE Reg. 832 (5/1/15)]**

The Department of Education proposes to amend its standards for vaccinations of public school students.

In a nutshell, medical experts are recommending that entering ninth graders be required to receive a tetanus, diphtheria, and pertussis (Tdap) booster shot and meningococcal vaccine for high school entry. Delaware is one of only four states which do not require the above immunizations.

The proposed regulation (§3.1) would add the above requirement for entering ninth grade students in school year 2016-17. Compliance would be “strongly recommended, but not required” for entering ninth grade students in school year 2015-16. Schools would be required to coordinate with the Division of Public Health if there are students who have not received the immunizations (§3.2). Exemptions for religious and medical reasons can be granted by the Division of Public Health (§6.1.1).

The committee recommends endorsing the concept underlying this initiative subject to the following observations.

First, in §2.1.1, first sentence, the term “or other” should be reviewed. The superseded version referred to “other approved vaccine”. A simple reference to “or other” makes little sense. Moreover, there is some “tension” between allowing “other” vaccines in §2.1.1 and omitting

“other” vaccines in §3.1.1.

Second, in §1.0, the definition of “school enterer” includes students being admitted to any public school. In contrast, §4.4 only refers to “school districts” which would exclude charter schools.

Third, the regulation (§3.1.2) contemplates a single vaccine for entering ninth graders with no booster. In other contexts (e.g. §2.1.4.1), the regulation does address immunization of chronologically “older” students. The DOE may wish to consult the Division of Public Health (DPH) in this context. Even if a booster were only “recommended”, the regulation addresses “recommended” immunization in §3.1.

The Committee recommends sharing these observations with the DOE and DPH.

## **6. DOE Proposed Administrator Evaluation System (DPAS II), 18 DE Reg. 828 (5/1/15)]**

The Department of Education proposes to revise its standards for the evaluation of administrators.

The committee discussed the following observations.

First, per §1.1, the regulation is effective “beginning with the 2015-16 school year”. Section 2.0, definition of “Student Achievement”, recites that certain student test results will not be considered in the performance appraisal of an administrator which “may be extended by the Department for the 2015-2016 school year.” Consistent with the March 12, 2015 News Journal article reviewed by the Committee, the DOE Secretary and Governor have solicited federal approval to not count statewide assessment scores to evaluate educators in the 2015-16 school year. If the DOE obtains federal approval prior to publication of a final regulation, it would be preferable to explicitly clarify the exemption in Section 2.0, definition of “Student Achievement”.

Second, in §2.0, the DOE may wish to consider a revision to the definition of “credentialed evaluator”. The proposed regulation includes the following third sentence:

A superintendent or head of charter school shall be evaluated by member(s) of the Board who shall also have successfully completed the ~~evaluation~~ DPAS II foundational training and credentialing assessment in accordance with 10.0.

Consider the following:

A. If the sentence is retained, insert “a” before “member(s)”.

B. The amendment would preclude the option of a board using more than one evaluator for a superintendent of a charter school. Some boards might prefer to have a pair or team of evaluators with different expertise (fiscal expert; instructional expert). The amendment would foreclose that option. Restricting charter school board discretion in this context may be imprudent.

Third, there appears to be a “disconnect” between the Goal Setting and Mid-Year Conferences and any Improvement Plan. The DOE could consider amending the definition of “Goal-Setting Conference” by adding the following sentence: “If an Improvement Plan is in effect, the Conference participants should include consideration of Plan content to ensure the alignment of annual goals and supports with the Plan.” The DOE could consider amending the definition of “Mid-Year Conference” by adding the following sentence: “If an Improvement Plan is in effect, the Conference shall include a review of progress towards benchmarks in the Plan.”

Fourth, in §10.2.1, third sentence, and §10.2.3, there are multiple instances of use of plural pronouns with singular antecedents (e.g. administrator (they; their); administrator (their)). The DOE may wish to correct the references.

The Committee recommends sharing these observations with the DOE and SBE.

## **7. DOE Proposed Teacher Appraisal Regulation [18 DE Reg. 817 (5/1/15)]**

The Department of Education is proposing to revise the Delaware Performance Appraisal System (DPAS) II standards for appraisal of teacher performance.

As background, the DPAS II system has been the focus of considerable attention in recent years. On the one hand, the assessment is viewed as weak in discriminating between effective and ineffective teachers. In the latest assessment, zero percent of teachers were rated “ineffective” and only one percent were rated “needs improvement”. Despite the ostensibly generous ratings, only 47% of teachers characterized the evaluation system as “fair and equitable”. In contrast to the overwhelmingly positive teacher rating results, the students they teach are performing poorly on national tests. Approximately three quarters of graduating students do not score high enough on SATs to be considered ready for college. An October 3, 2014 News Journal article noted that 53% of Delaware high school graduates entering Delaware colleges are required to take remedial, non-credit courses. Finally, some educators are touting an alternate evaluation system focusing on the “Teaching Excellence Framework”.

The committee has the following observations on the proposed DPAS II revisions.

First, Section 2.0, definition of “Student Achievement”, recites that certain student test results will not be considered in a performance appraisal of a teacher which “may be extended by the Department for the 2015-16 school year.” Consistent with the March 12, 2015 News Journal article, the DOE Secretary and Governor have solicited federal approval to not count statewide assessment scores to evaluate educators in the 2015-16 school year. If the DOE obtains federal approval prior to publication of a final regulation, it would be preferable to explicitly clarify the exemption in Section 2.0, definition of “Student Achievement”.

Second, §2.0 contains a definition of “Interim Assessment”. The term does not appear in the body of the regulation. The DOE may wish to consider deletion.

Third, §8.1 requires development of an “Improvement Plan” for any teacher with a “Needs Improvement” or “Ineffective” rating on either the summative evaluation or any of its appraisal components. This merits endorsement. However, the regulations do not describe the plan or its potential components. For example, it could be helpful to clarify that it may include more frequent observations than the minimum contemplated by §6.1. Moreover, although the plan should not be based on a “rigid” or “brittle” template, it may be helpful to include a list of common supports or interventions as “prompts” for consideration in developing the plan. Alternatively, this could be accomplished at the sub-regulatory level. The comparable specialist appraisal regulation includes more specifics about the “Improvement Plan”. See 14 DE Admin Code 107A.8.3.

The Committee recommends sharing these observations with the DOE and SBE.

## **8. DOE Proposed Specialist Appraisal Regulation [18 DE Reg. 823 (5/1/15)]**

The Department of Education is proposing to revise the DPAS II standards for appraisal of specialist performance. A “specialist” includes a school counselor, media specialist, school psychologist, and school nurse [§2.0, definition of “Specialist”]. Based on the definition, it should also include an occupational, physical, and speech therapist.

The committee discussed the following observations.

First, §2.0, definition of “Student Achievement”, recites that certain student test results will not be considered in a performance appraisal of a specialist which “may be extended by the Department for the 2015-16 school year.” Consistent with the March 12, 2015 News Journal article, the DOE Secretary and Governor have solicited federal approval to not count statewide assessment scores to evaluate educators in the 2015-16 school year. If the DOE obtains federal approval prior to publication of a final regulation, it would be preferable to explicitly clarify the exemption in Section 2.0, definition of “Student Achievement”.

Second, §2.0 contains a definition of “Interim Assessment”. The term is not used in the body of the regulation. Moreover, it only refers to “academic” standards which may have little relevance to the performance of some specialists (e.g. nurse; physical therapist). The DOE may wish to consider deletion of the definition.

The Committee recommends sharing these observations with the DOE and SBE.

#### **10. H.B. No. 116 (DSCY&F Education System)**

This bill was introduced on April 28, 2015. As of May 12, it awaited action by the House Education Committee.

As background, the Governor established a Youth Re-entry Education Task Force in 2014 through Executive Order 45. The Order included disturbing statistics. For example, of 184 juveniles in state custody in 2013, only 11 returned to a traditional school setting, 91 withdrew or failed to return to school and 42 were in alternate placements. The Task Force was charged with making recommendations to improve educational outcomes for youth in the DSCY&F system. The synopsis to H.B. No. 116 indicates that the bill implements the recommendations of the Task Force.

The bill would explicitly characterize the Education Unit of the DSCY&F as a “local education agency” for certain purposes: 1) educator eligibility for loan forgiveness programs; 2) eligibility for grants; and 3) authority to issue academic credits to students.

The Committee discussed the following observations.

First, the DSCY&F operates education programs in several behavioral health and youth rehabilitation settings. It is arguable whether State law already grants DSCY&F the power to offer credits in its “training schools”. See Title 31 Del.C. §§5106(a)(1), 5106(a)(4), and 5107(a)(7). However, a Department of Education regulation contemplates districts and charter schools awarding credits upon review of DSCY&F transcripts. See 14 DE Admin Code 505.10.2. The MOU envisions essentially automatic approval by the districts:

3. LEAs shall:

...e. The receiving school shall immediately apply full credits and is encouraged to accept partial credits to benefit the student. The receiving and sending schools should determine, for transferring seniors, which school will provide the diploma.

It would be highly preferable to allow DSCY&F to issue credits independent of a district or charter school. If a student leaving DSCY&F custody does not immediately enroll in a Delaware school, it may be very difficult to later acquire credits for schoolwork performed in a DSCY&F setting since the process is cumbersome. Moreover, the DSCY&F can encourage an exiting student to continue

education since it can present the student with a precise overview of remaining credits needed to obtain a diploma.

The Council may wish to consider endorsement of the proposed legislation.

#### **11. H.B. No. 111 (Administration of Medications)**

This legislation was introduced on April 23, 2015. It was released from the House Health and Human Development Committee on April 29. House Amendment (H.A.) No. 1, authored by the prime sponsor, was placed with the bill on April 29. As of May 12, it awaited action by the full House. The committee discussed the following observations.

First, the sponsors may wish to reconsider the amendment which substitutes the term “Delacare” regulations for “Delaware” regulations at line 11. The term “Delacare” regulations has historically referred to DSCY&F regulations applicable to the following facilities: 1) family child care homes; 2) large family child care homes; 3) early care and education and school-age centers; and 4) residential and day treatment program. These four facilities are subject to four corresponding sets of regulations, 9 DE Admin Code Parts 101, 103, 104 and 105. The term is used in the DSCY&F website to refer to regulations in the above contexts. The term also appears sporadically in the actual regulations. See, e.g., 9 DE Admin Code 103.7.1. Administration of medications for three of the four entities covered by the Delacare regulations is covered by lines 27-32 of the bill. The only “Delacare” entity covered by new §1932 is “residential child care facilities and Day Treatment Programs” defined at 9 DE Admin Code 105 (line 90). None of the other entities described in §1932 (lines 91-98) are covered by the Delacare regulations. The conflict is that the amended definition of “Limited Lay Administration of Medications (LLAM)” appears to limit it to conformity with Delacare regulations while the actual LLAM statute authorizes administration in four of five entities not covered by the Delacare regulations.

Second, lines 62-65 authorize trained individuals to assist with medications on field trips and off-campus activities. This provision was added to the Code through Senate Bill (S.B.) No. 257 in 2012. The sponsors may wish to consult the Department of Education to assess the value of an amendment at line 62. The authorization to have staff “assist” (but not administer) medications is ostensibly limited to schools serving students “in kindergarten through grade 12”. While some students with disabilities are eligible for public education at birth (e.g. deaf-blind; blind), most are eligible upon their third birthday. See Title 14 Del.C. §1703(d)(1) and §3101(1). Students with disabilities have a right to participate in field trips with accommodations. Therefore, it may be beneficial to amend line 62 to cover pre-kindergarten students. The sponsors could simply amend line 62 by substituting “pre-kindergarten” for “kindergarten”.

Third, we note that the renumbering of §1921(a)(18) and (19) at lines 66-71 could affect an overlapping reference in H.B. No. 110, line 52. Hopefully, the Code Revisers would identify the overlap and conform the references.

Fourth, the following description (lines 93-95) of settings in which LLAM can occur is problematic:

(3) Foster homes, group homes or adult day habilitation centers for individuals who are developmentally disabled regulated by the State under Chapter 55 of Title 16.

There are multiple problems with this reference:

A. The term “developmentally disabled” is inconsistent with Title 29 Del.C. §608(b).

B. Title 16 Del.C. Chapter 55 does not regulate foster homes, group homes or adult day habilitation centers.

C. The term “adult day habilitation centers” is limiting. This is a major concern. Consistent with the January, 2015 DDDS census, of 2,152 clients with day services, only 787 are in day habilitation. The balance are served in pre-vocational and supported employment settings. As a result, LLAM will only be available in day-hab settings which provide a disincentive for individuals to be served in pre-vocational settings and supported employment. Providers will be deterred from allowing clients to be employed off-site if they need medication during the work-day. This is inconsistent with Title 16 Del.C. §§743-744 which requires that policies support vocational opportunities in integrated settings.

D. The terms “foster homes” and “group homes” are limiting. They would not encompass “supported living” settings. Some clients may benefit from “drop-in” support consisting of assistance with administration of medication at least during a transition period upon initial residency.

E. Although children served in AdvoServ (regulated by DSCY&F) would be covered by line 90, adults served in AdvoServ (regulated by DLTCRP under 16 DE Admin Code 3320) may not be covered by the reference.

The Committee recommends consideration of the following substitute and renumbering of Pars. (4) and (5) as (5) and (6) respectively:

(3) Group homes, foster homes, or supported living settings for individuals with developmental disabilities either regulated by the State under Chapter 11 of Title 16 or operating through contractual arrangement with the Division of Developmental Disabilities Services.

(4) Supported employment, vocational, pre-vocational and day habilitation settings regulated or operating through contractual arrangement with the Division of Developmental Disabilities Services.

In assessing the above substitute, the Committee notes that the terms “supported living, supported employment, foster care, vocational and day habilitation are used in the DDDS enabling statute [29 Del.C. §7909A]. The Committee also notes that foster homes with only one DDDS client are not licensed pursuant to 16 Del.C. §1102(4) but would be under contractual arrangement with DDDS. The term “group home” is broader than “neighborhood home” in recognition of AdvoServ using some group homes that are not licensed as neighborhood homes. The term “regulated by the State under

Chapter 11 of Title 16" is used since that is the language used in lines 90, 96, and 97. The sponsors could consider amending all references to "licensed by the State under Chapter 11 of Title 16". Finally, the Committee notes that there are very few [e.g. 16 DE Admin Code 3320.3.0, definition of "resident"] published DHSS regulations applicable to day programs but, surmises, there are some unpublished regulatory or contractual standards imposed by DDDS.

The Committee recommends sharing these observations with policymakers.

### **MEMBERSHIP COMMITTEE**

There was no report at this time.

### **PERSONNEL COMMITTEE**

There was no report at this time.

### **OUTSIDE COMMITTEE UPDATES**

There were no outside committee updates other than those given during the Directors Report.

### **CHAIR REPORT**

Robert announced absent members as well as guests. He then announced that letters and responses are available for viewing in the binder at the back of the room.

Terri Hancharick made a motion to adjourn. The motion was approved and the meeting was adjourned at **9:05 p.m.**